



August 4, 2025

VIA ECF

Honorable Ona T. Wang
 United States District Court
 500 Pearl Street
 New York, NY 10007

Re: *In re OpenAI, Inc., Copyright Infringement Litig.*, 1:25-md-3143-SHS-OTW
 This Document Relates To: The News Cases
 Microsoft's Response to News Plaintiffs' Letter Brief Requesting Expedited Rule 30(b)(6)
 Deposition on Dashboards ([ECF 380](#))

Dear Magistrate Judge Wang:

Microsoft submits this response to the July 30, 2025 letter motion from Plaintiffs The New York Times Company, Daily News, LP, *et al.*, and The Center for Investigative Reporting, Inc. (collectively, “News Plaintiffs”) seeking an expedited Rule 30(b)(6) deposition of Microsoft on topics related to metric-tracking dashboards. Microsoft disagrees with News Plaintiffs’ interpretation of this Court’s order allowing for the Rule 30(b)(6) deposition, which does not require an expedited deposition. Further, Microsoft agreed to schedule the deposition of Microsoft’s witness at the beginning of the 30(b)(6) depositions following receipt of News Plaintiffs’ Rule 30(b)(6) notice on July 31. The deposition will take place shortly, and News Plaintiffs’ letter motion should be denied.

In denying News Plaintiffs’ prior motion, *see ECF 157*, seeking to require Microsoft to provide dashboards that no longer exist for querying, the Court stated, “If Plaintiffs want a deposition on this topic, it will count toward their, you know, agreed-upon deposition time limits, but I am not foreclosing them from asking questions if they want to ask questions.” Tr. at 109:21-24 (June 25, 2025). Consistent with this ruling, the Court issued an order denying News Plaintiffs’ motion as to Microsoft and stating that “News Plaintiffs may conduct a 30(b)(6) deposition of Microsoft on this issue, but any such deposition will count towards the parties’ total deposition hours cap.” [ECF 270](#) at 3. Unlike other rulings ordering 30(b)(6) depositions, *see id.* at 2, the Court did not state at either the hearing or in the order that the deposition had to be taken by a certain date or indicate that the deposition was outside of the deposition hours cap. The dashboard Rule 30(b)(6) is to be taken on the same timeline as the other Rule 30(b)(6) depositions. As Microsoft explained in correspondence and during a July 23, 2025 meet and confer, Microsoft would like to ensure that the witness whom it is going to designate on dashboard topics be subject to one deposition that also includes any additional Rule 30(b)(6) topics. *See ECF 380-2* at 3.

Nevertheless, understanding that these topics are a priority for News Plaintiffs and in the interest of compromise, Microsoft has indicated to News Plaintiffs that it will review the News Plaintiffs’ 30(b)(6) notice that was served on July 31, 2025, and will endeavor to schedule the deposition of the witness covering dashboard topics as soon as possible. Notably, Microsoft is not stating that it needs to “wait to negotiate and designate witnesses on all of the 30(b)(6) topics.” [ECF 380](#) at 2. However, the notice served by News Plaintiffs is 36 pages long and contains 119

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topics with many subparts, so it may take some time for Microsoft to sufficiently review the notice in order to make sure that the witness who is deposed on dashboard topics is only deposed a single time as to all topics for which Microsoft chooses to designate that witness.

Given that the Court did not compel an expedited 30(b)(6) deposition on dashboard topics and Microsoft's agreement to prioritize the deposition regarding dashboard topics, News Plaintiffs' motion should be denied.

Respectfully submitted,

/s/ Annette L. Hurst

Annette L. Hurst

Respectfully submitted,

/s/ Jared B. Briant

Jared B. Briant

Counsel for Defendant Microsoft Corporation